

REMARKS

Claim 46 has been rejected by the Examiner under 35 USC 112, second paragraph, for the reasons set forth in paragraph 1 of the Examiner's previous Office Action. This rejection is respectfully traversed.

The Examiner states that it is unclear what the Applicants are claiming, that is, whether the Applicants are claiming the film or the disposable container and also it is unclear to the Examiner what the relationship is between the rigid regions and the film. It is pointed out to the Examiner that the Applicants are not claiming a rigid container as a final product but rather are claiming a rewindable flexible film which can only be considered as an intermediate product if the cycle of use starts from the base film and ends with a stiffened package. Thus, the rewindable flexible film is a product that has its own autonomy since its cycle of use may occur at times and ways as chosen by the user. The relationship between the rigid regions and the film depends upon the extent to which it is desired to make the final container rigid. Thus, the flexible film can be made rigid in those regions which, in the finished object, must be substantially rigid. Thus, the resin can be applied only to those regions of the film to be stiffened, in which case the energy is administered to the entire film surface or, alternatively, the resin can be applied to the entire film surface, however, the energy is administered only to those regions to be stiffened. The film is structurally transformable by associating the film with a structurally transformable substance, for example, a polyester, which is inert with respect to the film, together with at least one passive activator therefore. The Examiner also questions how the product is

contained in the actuator and conveniently energized creating a structural transformation. The Examiner also questions how the film is transformed from the flexible composition to a rigid composition. As noted on page 4 of the present application, during any one stage in the formation of the product, energy which is compatible with the activator is administered which initiates a structural transformation reaction of the structurally transformable substance which converts desired regions from flexible to substantially rigid.

It is believed that newly added claim 47 does not introduce process limitations into the product but rather positively defines the flexible film of the present invention. Newly added claim 47 which is submitted herewith to replace claim 46 should not be considered by the Examiner as raising new issues in the present application, inasmuch as newly added claim 47 is merely a more definitive restatement of previous claim 46 and does not contain any issues which have not been previously discussed during the prosecution of the present application. Accordingly, entry of the present amendment as containing newly added claim 47 as a replacement for previous claim 46 is respectfully requested.

Claim 46 has been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Gifford et al., U.S. Patent 3,648,834 in view of Huguenin, U.S. Patent 5,832,698. This rejection is respectfully traversed.

The present invention is directed to a rewindable flexible film which, before forming a container therefrom, can be wound in a roll and hence occupy a considerably reduced space. The flexible film is stiffened at desired locations at the moment of the formation of the ultimate container. Thus, the flexible film of the present invention is not an intermediate

product in the sense of a product which lasts for a limited period of time within the overall working process, but rather is a product that may last for an indefinite length of time, that is until energy is administered thereto. Thus, the present application is not directed to a final product but rather to a flexible film, which may be considered an intermediate product if the cycle of use starts from the base film and ends with the stiffened final package. More significantly, the present invention is directed to a product that has its own autonomy since its cycle of use may occur at times and ways as chosen by the user. Thus, the present invention is directed to a flexible film which includes a supporting film for modifying substance and an activator which has not reacted with the modifying substance, all of which coexist.

The Gifford et al. patent is directed to a method of making rigid packages from flexible films and, as such, is concerned with a method of continuously forming a rigid package by extruding a flexible packaging film from a film-forming resin and a plasticizer which polymerizes upon being irradiated with a high energy source. The reference patent is not even remotely concerned with forming a flexible product which has its own autonomy and as such, can be wound in a roll for future use. The Gifford et al. patent does not suggest the formation of a flexible film having its own autonomy and thus the Examiner finds it necessary to further rely upon the Huguenin patent to show that it is well known in the art that a flexible film is capable of being rewound. Since the Gifford et al. patent is only concerned with forming a stiff, final product, there would be no motivation to one skilled in the art to look to the teachings of the Huguenin patent for the feature of rewinding a flexible

film. Furthermore, the possibility of combining the references as suggested by the Examiner is further negated by the fact that the Huguenin patent uses highly powerful sources of energy that would be incompatible with the possibility of use with packaging machinery which, by definition, is small in nature and would not justify the use of a such a high powered generator machine as utilized in the Huguenin patent.

Furthermore, the Gifford et al. patent does not appear to consider the selective application of the formation of rigid portions of the final package. As noted in newly added claim 47 of the present application, the film is associated with the structurally transformable substance at least in those regions where the obtained objects are required to be substantially rigid. Furthermore, the packages produced from flexible films as defined in the Gifford et al. patent are primarily produced by multiple-ply film laminations and when laminations are not utilized, the film-forming resin per se is combined with a plasticizer which, when subjected to irradiation becomes cross-linked or polymerized so as to convert the flexible film into a rigid film. On the other hand, in the present invention a structurally transformable substance, for example a polyester, which is inert with respect to the film, together with a modifying agent of said structurally transformable substance, which is also inert with respect to said film, is associated with the flexible film and energy compatible with the activator is administered to initiate the structural transformation reaction of the structurally transformable substance whereby selective regions which are desired to be substantially rigid are converted from the flexible state to a substantially rigid state. Thus,

the compositional structure of the rewindable flexible film of the present invention is different from that of the Gifford et al. patent.

Accordingly, in view of the above remarks reconsideration of the rejections and allowance of claim 47 of the present application are respectfully requested. In the event that the proposed Amendment does not place the present application into condition for allowance, entry thereof is respectfully requested as placing the present application into better condition for appeal. A Notice of Appeal is being filed concurrently.

Conclusion

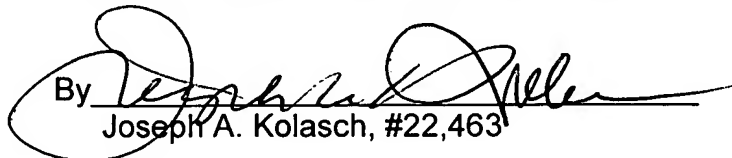
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Joseph A. Kolasch (Reg. No. 22,463) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant hereby petitions for an extension of three (3) months to December 15, 2004 the period in which to file a response to the Office Action dated June 15, 2004. A check for the required extension fee of \$1020.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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